

EXHIBIT 1

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1	UNITED STATES DISTRICT COURT	1 record. Today is Monday, April 29th, 2019. The time
2	NORTHERN DISTRICT OF ILLINOIS	2 is now 9:47 a.m. We are located at Everett M. Dirksen
3	EASTERN DIVISION	3 U.S. Courthouse, 219 South Dearborn Street, Room 2141,
4		4 Chicago, Illinois, for a deposition in the matter of
5	Janet Godinez,	5 Janet Godinez v. City of Chicago et al., case number
6		6 1:2016cv07344. The venue is Northern District of
7	Plaintiff,	7 Illinois, Eastern Division. The witness today is Erika
8		8 Armas Leanos. Ms. Leanos, my name is Lauren Lykke.
9	vs. Case Number 1:2016cv07344	9 I'm a notary public, and I'm recording this deposition
10		10 on behalf of Exhibit 5, LLC. At this time, would you
11	City of Chicago et al.,	11 please raise your right hand for the oath?
12		12 MS. ARMAS LEANOS: Yes.
13	Defendants.	13 (Witness sworn)
14		14 RECORDER: Thank you. Would the attorneys
15	Deposition of Erika Armas Leanos	15 please state their appearances for the record?
16	Monday	16 MS. ADEEYO: Natalie Adeeyo on behalf of the
17	April 29th, 2019	17 city.
18		18 MS. SHOFFNER: Robin Shoffner on behalf of
19	-at-	19 the city.
20		20 MR. DIXON: Matt Dixon on behalf of the
21	Everett M. Dirksen U.S. Courthouse	21 individually named Defendants.
22	219 South Dearborn Street	22 MR. TURKCAN: Kevin Turkcan on behalf of the
23	Chicago, Illinois	23 Plaintiff.
24		24 RECORDER: That completes the required
25		25 information. We can proceed.
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1	APPEARANCES	1 EXAMINATION
2		2 BY MS. ADEEYO:
3	For the Plaintiff:	3 Q. Good morning. Please state and spell your
4	Kevin T. Turkcan	4 first and last name.
5	Hamilton Law Office, LLC	5 A. It's E-r-i-k-a, and then -- well I usually
6	53 West Jackson Boulevard	6 just use Armas, A-r-m-a-s.
7	Suite 452	7 Q. Is Leanos your father's last name or your
8	Chicago, Illinois 60604	8 mother's --
9		9 A. My mother's. 0:01:16
10	For Defendant City of Chicago:	10 Q. And Armas is your father's last name?
11	Natalie Adeeyo	11 A. My father's, yes.
12	Robin Shoffner	12 Q. Have you ever given a deposition before?
13	Nathan & Kamionski LLP	13 A. No, I haven't.
14	33 West Monroe Street	14 Q. Okay. And just so I know, is it okay if I
15	Suite 1830	15 call you Erika?
16	Chicago, Illinois 60603	16 A. That's fine.
17		17 Q. Perfect. So since you haven't given a
18	For the Individual Defendant Officers:	18 deposition before, I'm just going to go through a
19	Matthew P. Dixon	19 couple of ground rules with you, okay?
20	Querrey & Harrow	20 A. Okay.
21	175 West Jackson Boulevard	21 Q. First, when I'm speaking, try not to speak at
22	Suite 1600	22 the same time, just because it's hard for the -- for it
23	Chicago, Illinois 60604	23 to be heard on the video when we're talking, I'll also
24		24 try to pay you that same courtesy. Try to avoid just
25	RECODER: Good morning. We are now on the	25 nodding your head or saying, "Mm-hmms" or "Mm-mms,"

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<p>1 Q. What were the arguments about? 0:11:01</p> <p>2 A. Like -- just, like, random things like any</p> <p>3 other relationship.</p> <p>4 Q. Can you think of any of the topics offhand</p> <p>5 that you guys were fighting about or breaking up about?</p> <p>6 A. Well I can't remember some of the stuff at</p> <p>7 the top of my head right now.</p> <p>8 Q. How would you describe your relationship?</p> <p>9 A. He was -- he was a very good person. I mean,</p> <p>10 we had our ups and downs, but he was -- he was a very</p> <p>11 good person.</p> <p>12 Q. Your son now that you mentioned a moment ago,</p> <p>13 that wasn't Heriberto's son, was it?</p> <p>14 A. No.</p> <p>15 Q. Okay. Was your relationship ever abusive?</p> <p>16 A. No. 0:11:59</p> <p>17 MR. TURKCAN: Object to form.</p> <p>18 Q. Did Heriberto ever hit you?</p> <p>19 A. No.</p> <p>20 Q. Did he ever push you?</p> <p>21 A. I mean, yeah, he -- he did. My mom witnessed</p> <p>22 that.</p> <p>23 Q. Do you remember when that was?</p> <p>24 A. I can't remember at the top of my head.</p> <p>25 Q. You said your mom witnessed it?</p>	<p>1 A. Not really, just sometimes when he was mad,</p> <p>2 yeah, he was.</p> <p>3 Q. Did he curse at you?</p> <p>4 A. We both cursed each other.</p> <p>5 Q. Did he ever call you out of your name?</p> <p>6 MR. TURKCAN: I'm sorry, what was the</p> <p>7 question?</p> <p>8 Q. Did he ever call you out of your name?</p> <p>9 A. Sometimes we would call each other out of --</p> <p>10 we would call each other out of our name.</p> <p>11 Q. Okay. Do you remember what he would call</p> <p>12 you?</p> <p>13 A. I don't remember. 0:13:59</p> <p>14 Q. Has he ever punched you?</p> <p>15 A. No.</p> <p>16 Q. Kicked you?</p> <p>17 A. No.</p> <p>18 Q. Now you mentioned that Heriberto was your</p> <p>19 boyfriend at the time that he passed away?</p> <p>20 A. Yes.</p> <p>21 Q. That was in July of 2015, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Did you all have a fight that day --</p> <p>24 MR. TURKCAN: Object to form.</p> <p>25 Q. -- on July 20th, 2015?</p>
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<p>1 A. I mean, I'm sorry, not my mom, my dad.</p> <p>2 Q. Okay. What was going on when that happened?</p> <p>3 A. We had gotten into a little argument at the</p> <p>4 time.</p> <p>5 Q. What were you arguing about?</p> <p>6 A. I cannot remember.</p> <p>7 Q. Did you put your hands on him?</p> <p>8 A. I don't -- I don't remember.</p> <p>9 Q. Did he push you once or how many times?</p> <p>10 A. Just one time.</p> <p>11 Q. Did you fall?</p> <p>12 A. I did because I was on ice at the time, so I</p> <p>13 -- it could have been ice.</p> <p>14 Q. So this happened in the wintertime?</p> <p>15 A. Mm-hmm. 0:13:02</p> <p>16 Q. Okay. Is that a yes?</p> <p>17 A. Yes, I'm sorry.</p> <p>18 Q. No worries. When he pushed you, had he been</p> <p>19 drinking?</p> <p>20 A. No.</p> <p>21 Q. Do you know if he was on drugs?</p> <p>22 A. No, he was not.</p> <p>23 Q. Have you guys ever -- was he ever verbally</p> <p>24 abusive to you?</p> <p>25 MR. TURKCAN: Object to form.</p>	<p>1 A. We were --</p> <p>2 MR. TURKCAN: Object to form.</p> <p>3 A. -- arguing.</p> <p>4 Q. What were you arguing about?</p> <p>5 A. Because I was leaving him that day.</p> <p>6 Q. Why were you leaving him?</p> <p>7 A. We were having argument because he had been</p> <p>8 drinking and I didn't want him to be drinking.</p> <p>9 Q. Do you know how much he had to drink that</p> <p>10 day?</p> <p>11 A. I did not know because I was working the day</p> <p>12 before, so he was already drunk since when I got off of</p> <p>13 work.</p> <p>14 Q. When did you get off work? 0:15:05</p> <p>15 A. It was a -- it was on a Saturday, I got home</p> <p>16 from work late that day, like at 7:00 or 8:00, and he</p> <p>17 was already drunk that day.</p> <p>18 Q. So do you remember what you said to him about</p> <p>19 him being drunk that day?</p> <p>20 A. I don't remember.</p> <p>21 Q. Okay. But then you told him that you were</p> <p>22 going to leave?</p> <p>23 A. Yeah, I know -- I know we were arguing</p> <p>24 because I was leaving him because we were in a -- we</p> <p>25 had gotten in a fight, so -- in an argument, I'm sorry.</p>

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1 Q. Was it at all physical, that fight? 2 A. No. 3 Q. So how was he acting? 0:15:48 4 A. He was very drunk and paranoid at the time. 5 Q. When you say, "Paranoid," what do you mean? 6 A. I'm not sure how I can describe it, I just 7 know that he -- I think he was scared that I was going 8 to leave him, he didn't want to stay by himself. 9 Q. Was he slurring his words? 10 A. Yes, he was drunk. 11 Q. Was he sweating? 12 A. No, he wasn't. 13 Q. Was he yelling? 14 A. Yes, we were both yelling at each other. 15 Q. Did he appear high at all? 16 MR. TURKCAN: Object to form and foundation. 17 A. I don't recall. 18 Q. Do you know if he did any drugs that day? 19 MR. TURKCAN: Object to form and foundation. 0:16:52 20 A. I did not witness any of that. I'm not sure. 21 Q. Have you ever seen him do drugs? 22 A. No, because I didn't like him doing drugs. 23 Q. So you've never seen him smoke weed? 24 A. I mean, smoke weed, yes, but not, like, any 25 other drug that --	1 Q. Who are his friends that you know of? 0:19:00 2 A. I don't know many of his friends. I just 3 know the ones he brought around me, which wasn't many. 4 Q. Do you know any of their names? 5 A. I can't remember most of them at the top of 6 my head right now. 7 Q. Does Jeronimo sound familiar? 8 A. He sound -- he does sound familiar. I 9 believe, if I'm not mistaken, he was one of the ones 10 that was with him the day he passed. 11 Q. How do you know that? 12 A. He was over at the house. I believe that was 13 -- if that was him, I think. 14 Q. Would you say you're friends with Jeronimo? 15 A. Me, no. 16 Q. You guys -- do you and Heriberto have any 17 friends in common? 18 A. Not really. 0:19:53 19 Q. On those occasions when he confessed to you 20 that he had been using cocaine, did you threaten to 21 leave him? 22 A. Yes. 23 Q. On both occasions? 24 A. Yes, which were a couple of times when we 25 would get into arguments.
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1 Q. Have you ever seen him use cocaine? 2 A. No, I didn't like him doing cocaine. 3 Q. Had he done cocaine before, to your 4 knowledge? 5 A. I mean, there was, like, maybe two occasions 6 that he did while we were together, I'm not sure if he 7 did any -- that I caught him, not, like, witness him do 8 it, but I knew he was -- I knew he have done it, and I 9 caught up to his lie, and he confessed to me, but 10 that's how I knew he was on it, but I'm not sure if he 11 took any drugs before. 12 Q. So he confessed to you that he was using 13 cocaine twice before, right? 14 A. Yes. 0:18:07 15 Q. Do you recall when those confessions 16 happened? 17 A. No, I don't. 18 Q. Do you know if they were in the year 2015? 19 A. I can't remember. 20 Q. Do you know who he was using cocaine with? 21 A. I -- I wouldn't be so sure, but I -- I 22 possibly could know that it was his friends because 23 only when he would go out with them, which would be, 24 like, not often, but I'm not sure if -- I'm not quite 25 sure if it was with them or not.	1 Q. So that -- that night when you came home from 2 work and you saw that he had been drinking, you 3 threatened to leave him that day? 4 A. Yes. 5 Q. Did he say to you that if you left him, he 6 would kill himself? 7 A. No, he would never do that. 8 Q. Has he ever threatened to kill himself -- 9 A. No. 10 Q. -- in front of you? 11 A. No. 12 Q. Those time -- those two occasions when he 13 told you that he had been using cocaine, could you tell 14 if he was high? 15 A. Yes. 0:21:01 16 Q. Okay. How do -- how did you know he was 17 high? 18 A. He was -- he wasn't himself, like as in he 19 didn't look like himself, his eyes were -- were very 20 big, and you could tell that he was on something. 21 Q. And how was he acting? 22 A. He was just, like, stuttering, but he was 23 always, like, a loud person, like he was very -- like, 24 that's how he was, so when he was on it, he would talk 25 really low, so that's how I knew he was on something.

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<p>1 Q. So that day when you were going to leave him, 2 were you packing up to leave out of the home, or were 3 you kicking him out?</p> <p>4 A. No, I -- I was packing to go -- to leave. 0:22:02</p> <p>5 Q. Where were you living in July of 2015?</p> <p>6 A. When -- after I moved out?</p> <p>7 Q. No, prior to that night, where were you 8 living?</p> <p>9 A. Oh.</p> <p>10 Q. Or on that night, where were you living?</p> <p>11 A. I -- we were living together in the 12 apartment, I -- on 39th Place, I believe, or I think it 13 was --</p> <p>14 Q. Do you know the address?</p> <p>15 A. I don't remember. We weren't there that 16 long, we were there for a couple of months.</p> <p>17 Q. When did you first move in?</p> <p>18 A. I can't remember at the top of my head.</p> <p>19 Q. Okay.</p> <p>20 A. We were not there for long.</p> <p>21 Q. So you -- a couple months, you said, right?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Who else lived there besides you and 24 Heriberto?</p> <p>25 A. Just me and him. 0:22:58</p>	<p>1 A. No, yeah.</p> <p>2 Q. -- of these bills?</p> <p>3 A. He would help me pay the bills.</p> <p>4 Q. Okay. So did you guys split it, or did he 5 cover the --</p> <p>6 A. We would split it.</p> <p>7 Q. Did you all also split the rent?</p> <p>8 A. Yes, sometimes he would pay it.</p> <p>9 Q. Why were the bills under your name? 0:24:46</p> <p>10 A. I -- I wanted a -- I decided to put them 11 under my name.</p> <p>12 Q. So you decided on your own, or did you guys 13 have a conversation?</p> <p>14 A. We -- no, we had a conversation about it, but 15 I told him that it'd be -- it'd be nice for me to put 16 them under my name.</p> <p>17 Q. When did you move from this apartment, was it 18 that night?</p> <p>19 MR. TURKCAN: Object to form.</p> <p>20 A. The night before.</p> <p>21 Q. Yeah, let me clarify. So that night when you 22 came home, which I believe was July 19th, 2015, did you 23 move out that night?</p> <p>24 MR. TURKCAN: I'm going to object to the 25 extent that it mischaracterizes the witness's</p>
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<p>1 Q. Did any of his friends ever stay the night 2 over at the apartment?</p> <p>3 A. No.</p> <p>4 Q. And prior to moving to this 39th Place 5 address, where were you living?</p> <p>6 A. We were living at his sister's house.</p> <p>7 Q. And how long were you there?</p> <p>8 A. Living at his sister's house?</p> <p>9 Q. Correct.</p> <p>10 A. I believe, like, a year and a couple months.</p> <p>11 Q. And why did you decide to leave?</p> <p>12 A. Well we -- we always wanted to move to an 13 apartment.</p> <p>14 Q. But it -- it wasn't that you were kicked out 15 of that house?</p> <p>16 A. No, I was never kicked out of that house. 0:23:52</p> <p>17 Q. Whose name was on the lease for the apartment 18 at 39th Place?</p> <p>19 A. We never made a lease, it was just by a 20 private landlord.</p> <p>21 Q. And who paid the -- the bills, the 22 electricity, heat, water?</p> <p>23 A. The -- well that was under my name.</p> <p>24 Q. And when you say it's under your name, did 25 Heriberto pay any --</p>	<p>1 testimony.</p> <p>2 A. I'm sorry, I had moved out on the Friday --</p> <p>3 on Friday -- I moved Friday.</p> <p>4 Q. Okay. So you moved out Friday when? 0:25:59</p> <p>5 A. Friday, the night before he passed away,</p> <p>6 because he passed away on Saturday, like, at 3:00,</p> <p>7 right? Like, at 3:00 or 4:00.</p> <p>8 Q. Do you remember what day it was that you 9 moved out, the actual date?</p> <p>10 A. No, I don't.</p> <p>11 Q. But you definitely moved out the night before 12 he passed away?</p> <p>13 A. Yes.</p> <p>14 Q. Do you -- did you know any of your neighbors 15 in that apartment building?</p> <p>16 A. Just the landlord.</p> <p>17 Q. And what was the landlord's name?</p> <p>18 A. I believe Amy.</p> <p>19 Q. Do you know her last name? Or his last name?</p> <p>20 A. I don't know.</p> <p>21 Q. Did you know an Angelica Chacon?</p> <p>22 A. Yeah, it was her daughter.</p> <p>23 Q. Amy's daughter?</p> <p>24 A. Yes.</p> <p>25 Q. Did you know a Veronica Lopez?</p>

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<p>1 back home until, like, in the afternoons like at 4:00, 2 5:00, he'll be back. 3 Q. So it was pretty typical for him to come back 4 at around 4:00 or 5:00 p.m.? 5 A. He didn't really have a set time schedule, so 6 it was just around the time. 7 Q. Did he go to the auction on weekends, or was 8 it mostly during weekdays? 9 A. Mostly during the week. 0:39:22 10 Q. So since you say he mostly did this during 11 the week, what did he typically do on weekends? 12 A. We would spend the time with each other the 13 weekends. 14 Q. And would that be in the house, or would you 15 go places? 16 A. We -- we were always home most of the time, 17 or we would go out to eat, or he would take me out, 18 like, to nice places, or we would come to downtown and 19 stay away from Chicago -- from, like, the streets over 20 there. 21 Q. What do you mean by "stay away from the 22 streets"? 23 A. Like, by his neighborhood that he lived at -- 24 we -- that we lived in. 25 Q. And why did you stay away from the streets? 0:40:13</p>	<p>1 Facebook? 2 A. Yes. 0:42:06 3 Q. And what did they say? 4 A. They had told me that he had passed away. 5 Q. When did they message you on Facebook? 6 A. Saturday morning. 7 Q. Do you remember around what time it was? 8 A. I had just got to work. I -- I had started 9 at 9:00 in the morning, I believe, so I look -- I 10 looked online, like, at 9:00 something after I clocked 11 in. 12 Q. That day when you got home from work, and I 13 -- and I know you said that you and Heriberto got into 14 an argument and you threatened to leave, did he accuse 15 you of cheating on him? 16 A. He did. He was always accusing me of 17 cheating on him, he always had insecurities. 18 Q. Did you break up with him that day? 19 A. I did. 0:43:27 20 Q. So you two were not boyfriend and girlfriend 21 when you were leave -- threatened to leave the house? 22 A. Yeah. 23 Q. Was it you who called it off or broke up with 24 him, or did he break up with you? 25 A. No, I did.</p>
<p>1 A. I -- because it was more peaceful over here 2 in downtown in the nighttime than it was over there. 3 Q. How would you describe his neighborhood? 4 A. Well usually in the summer, there is always, 5 like, a bunch of people everywhere outside and -- 6 drinking or just, like, always -- like people would 7 always get in fights and stuff. 8 Q. Did -- how often would you say Heriberto hung 9 out with his friends? 10 A. Not often. 0:40:59 11 Q. So how many times a week, if you had to 12 guess? 13 A. Maybe, like, once a week, maybe, like, twice 14 a month. 15 Q. And if you know, what did he typically do 16 with his friends those times he hung out? 17 A. Excuse me. I wouldn't know, like, to be 18 honest. I wouldn't be so sure. 19 Q. How did you find out that Heriberto passed 20 away? 21 A. They contacted me -- they contacted me 22 through Facebook -- 23 Q. Who is that? 24 A. -- Messenger. His sisters. 25 Q. Janet and Crystal both contacted you through</p>	<p>1 Q. Okay. Do you remember what you said to him? 2 A. I don't remember. 3 Q. At that time, were you aware if -- how -- if 4 Heriberto had been drinking for four days or three 5 days? 6 MR. TURKCAN: Object to form. 7 A. I'm not sure, but I do know he was drinking 8 the day before. 9 Q. You just don't -- you don't know if he was 10 drinking the day before that? 11 MR. TURKCAN: Object to form. 12 A. I don't recall. 13 Q. When he had accused you of cheating on him, 14 were you, in fact, cheating on him at the time? 15 A. I was not. 0:44:34 16 Q. Now during your relationship, Heriberto did 17 drink alcohol in front of you, right? 18 A. Yeah, we -- we would both drink, and go out, 19 and have a good time together. 20 Q. What did typically drink? 21 A. Well he -- he didn't have, like, a specific 22 drink that he would drink, he would just -- he could 23 drink beer, liquor, pretty much both. 24 Q. Do you know what brand of beer he usually 25 drank?</p>

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<p>1 A. He would drink Modelos.</p> <p>2 Q. Did he ever drink Budweiser or Bud Light?</p> <p>3 A. Yeah, he did.</p> <p>4 Q. That day before he passed when you came home, did you know if he had smoked any weed?</p> <p>5 A. I -- I'm not sure. 0:45:44</p> <p>7 Q. And he didn't do any cocaine in front of you that night, right?</p> <p>9 A. No.</p> <p>10 Q. Prior to that evening, was he having any trouble sleeping?</p> <p>12 A. Yeah, he didn't -- he didn't sleep.</p> <p>13 Q. What do you mean, "he didn't sleep"? At all?</p> <p>14 A. He -- he didn't sleep.</p> <p>15 Q. So that -- that night before that evening, he did not go to bed?</p> <p>17 MR. TURKCAN: Object to form.</p> <p>18 A. No.</p> <p>19 Q. Do you remember the last night that he went to sleep prior to him passing away?</p> <p>21 MR. TURKCAN: Object to form.</p> <p>22 A. I can't remember.</p> <p>23 Q. Had it been a few days?</p> <p>24 A. No.</p> <p>25 MR. TURKCAN: Object to form.</p>	<p>1 Heriberto met through mutual friends, who were the mutual friends?</p> <p>3 A. I believe his -- one of his friends, Dominic (phonetic).</p> <p>5 Q. Do you know Dominic's last name?</p> <p>6 A. Velasquez, I believe.</p> <p>7 Q. I know you said you met Heriberto in November of 2012 or 2013, right?</p> <p>9 A. 2012. 0:48:58</p> <p>10 Q. In 2012?</p> <p>11 A. I think so. I -- I can't remember if it was twenty -- 2012 or 2013.</p> <p>13 Q. So when he passed away in July of 2015, how -- about how long were you together?</p> <p>15 A. Like, two years or -- yeah, so it must have been '13 -- 2013.</p> <p>17 Q. When you dropped out of high school, was it for any disciplinary reasons?</p> <p>19 A. No, just I was -- I was independent at the time, so I needed to work instead of school. I didn't have time to go to school, so.</p> <p>22 Q. You had to get a job?</p> <p>23 A. Yeah.</p> <p>24 Q. You mentioned the one time you were arrested, it was because you were driving on a suspended license?</p>
<p>1 Q. Two days?</p> <p>2 MR. TURKCAN: Object to form. 0:46:44</p> <p>3 A. No, I don't think it was more than a day, I -- but I'm not sure.</p> <p>5 Q. Did he tell you why he had trouble going to sleep?</p> <p>7 A. No, he didn't tell me why.</p> <p>8 Q. Was he acting unusual that night?</p> <p>9 MR. TURKCAN: Object to form.</p> <p>10 A. I don't recall.</p> <p>11 Q. Did he look tired to you?</p> <p>12 MR. TURKCAN: Object to form.</p> <p>13 A. Yeah. 0:47:48</p> <p>14 Q. And how did he look tired?</p> <p>15 A. I could tell when he's tired.</p> <p>16 Q. Was his eyes bloodshot?</p> <p>17 MR. TURKCAN: Object to form.</p> <p>18 A. I don't -- I don't recall.</p> <p>19 Q. Do you want to take a break?</p> <p>20 A. Please.</p> <p>21 MS. ADEEYO: Sure. Go off.</p> <p>22 RECORDER: Off the record, 10:35 a.m.</p> <p>23 (Off the record)</p> <p>24 RECORDER: Back on the record, 10:41 a.m.</p> <p>25 Q. So Erika, you mentioned that you and</p>	<p>1 A. Yes. 0:49:51</p> <p>2 Q. Why was your license suspended?</p> <p>3 A. For no insurance.</p> <p>4 Q. And we -- we talked about this incident after Heriberto's funeral when Janet and some of the members of the Godinez family came to your apartment at 39th Place, remember we talked about that a moment ago, what's your relationship like with the family now?</p> <p>9 A. We don't talk right now.</p> <p>10 Q. Do you believe that Janet Godinez is still mad or upset at you?</p> <p>12 MR. TURKCAN: Object to form. Foundation. Calls for speculation.</p> <p>14 Q. Go ahead.</p> <p>15 A. I'm not sure.</p> <p>16 Q. When you first met Heriberto, was he in a gang?</p> <p>18 MR. TURKCAN: Object to form and foundation. 0:50:50</p> <p>19 A. He was -- he wasn't involved that -- I mean, he wasn't really involved with them.</p> <p>21 Q. When you say, "With them," who are you referring to?</p> <p>23 A. With his gang friends, he wasn't really onto all that stuff anymore.</p> <p>25 Q. In the beginning of your relationship, was he</p>

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<p>1 work on the morning of Monday, July 20th, 2015, that's 2 when you learned that Heriberto had died? 3 A. Yes. 4 Q. Okay. So the last time you saw Heriberto was 5 at some point on Sunday, July 19th, correct? 6 A. Yes. 7 Q. Okay. And -- all right. So let's -- let's 8 talk about that on the 19th, I think you testified that 9 the last time you saw Heriberto was at your guys' 10 apartment on 39th Place, right? 11 A. Yes. 12 Q. And what time was that approximately? 13 A. It was, like, in the morning, like at 10:00 14 in the morning. 15 Q. Okay. 10:00 in the morning on Sunday the 16 19th. Were you coming from anywhere, did you -- were 17 you coming home from anywhere, or did you guys just 18 wake up together? 19 A. No, I woke up that morning. 1:11:45 20 Q. Okay. And when you woke up on the morning of 21 Sunday the 19th, where was Heriberto? 22 A. He was in the room -- he was sitting in the 23 room. 24 Q. In the -- in the living room? 25 A. In the same room of where we were -- where we</p>	<p>1 this, this argument that started that was essentially 2 the last argument that you had with Heriberto, what was 3 it about? 4 A. He -- I don't remember all of it, but I just 5 remember that he was accusing me of cheating on him. 6 Q. Okay. So that argument started on Saturday 7 the 18th, did you and Heriberto sleep in the same place 8 on Saturday night? 9 A. He didn't sleep that night, but we -- we 10 stayed together that same night, yes. 11 Q. Okay. You were in the same apartment? 12 A. Yes. 13 Q. Okay. And when you say Heriberto didn't 14 sleep, can you explain that? 15 A. He was up watching movies, and he was on the 16 computer -- 17 Q. Okay. 18 A. -- most of the time. 19 Q. So the night of -- so Saturday -- Saturday 20 the 18th going into Sunday the 19th, he -- Heriberto 21 was with you, correct? 22 A. Yes. 1:14:00 23 Q. Was -- did he have anything to drink, any 24 alcohol? 25 A. I don't remember.</p>
<p style="text-align: center;">Page 58</p> <p>1 sleep in. 2 Q. Okay. And what happened when you woke up on 3 the morning of the 19th? 4 A. I just know that I was upset because he had 5 ripped our pictures, so I was upset with him because he 6 had ripped all of our pictures. 7 Q. Okay. Do you know why he did that? 8 A. I don't remember why, I just know that we had 9 gotten in an argument before -- the night before. 10 Q. Okay. So you got in an argument with 11 Heriberto on -- 12 A. We were -- we had already started the 13 argument since the day before, so. 14 Q. Okay. So the argument kind of started on 15 Saturday the 18th -- 16 A. Yes. 17 Q. -- is that right? Okay. And then you guys 18 went to bed on Saturday night, correct? 19 A. Yes. 1:12:48 20 MS. SHOFFNER: Objection as to form. 21 Misstates prior testimony. 22 Q. Okay. Is that -- is that correct or 23 incorrect? 24 A. Yes. 25 Q. Okay. So whatever -- well let me ask you</p>	<p style="text-align: center;">Page 60</p> <p>1 Q. Okay. 2 A. I just know he was already drunk when I got 3 there. 4 Q. Well okay, so I guess that's -- that's kind 5 of what I'm trying to understand. When you say that -- 6 that Heriberto was already drunk when you got there, 7 what day are we talking about? 8 A. That Saturday that I got off work. 9 Q. Okay. So lawyers like to understand what the 10 timeline is, and that's just what I'm trying to do. 11 A. Right. 12 Q. So Saturday, July 18th, you worked that day, 13 correct? 14 A. Yes. 15 Q. Because dealerships are open on Saturdays 16 obviously, right? 17 A. Yes. 18 Q. Okay. So what time did you get off work on 19 Saturday the 18th? 20 A. What time did I get off work? 21 Q. Yes. 22 A. I got off at 6:00 that day. 23 Q. 6:00 p.m.? 24 A. Yes. 25 Q. Okay. So you got off work Saturday the 18th</p>

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<p>1 at 6:00 p.m., and then you went home to 39th Place, 2 right?</p> <p>3 A. Yes. 1:15:02</p> <p>4 Q. Okay. And when you got home on Saturday 5 evening, you could tell that Heriberto had been 6 drinking, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And that's when this argument started 9 where he accused you of cheating, correct?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So then Saturday night, you go to bed, 12 and he stays up watching TV and on the computer, 13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Then Sunday morning, you wake up and 16 -- actually, sorry, before we get to that, let me ask 17 this, at any point on Saturday, July 18th, did you see 18 Heriberto use any cocaine?</p> <p>19 A. I didn't see -- I didn't see him do it, no.</p> <p>20 Q. Okay. So you wake up on July the 19th, which 21 is Sunday, and Heriberto was there, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And he had ripped up your pictures, correct?</p> <p>24 A. Yes. 1:15:48</p> <p>25 Q. And did the argument kind of continue through</p>	<p>1 Q. Okay. On Sunday morning?</p> <p>2 A. Yes.</p> <p>3 Q. What was he drinking?</p> <p>4 A. Modelos.</p> <p>5 Q. Okay. How many Modelos?</p> <p>6 A. I'm not sure.</p> <p>7 Q. I mean, was -- was he drinking in front of 8 you?</p> <p>9 A. He -- he -- he had stopped at the house when 10 I was still packing, but he didn't come back upstairs, 11 he was just downstairs in the car, and then he left.</p> <p>12 Q. Okay.</p> <p>13 A. But he had -- he had a sunroof on his truck, 14 so I could see the inside of it from upstairs, so I had 15 seen that he was drinking.</p> <p>16 Q. Okay. I just want to back up, and right now, 17 I -- I'm only asking about basically when you wake up 18 on Sunday morning and the time that he leaves at 11:00 19 a.m. on Sunday morning, did you see Heriberto drinking 20 any alcohol during that time?</p> <p>21 A. When I was in the apartment, no. 1:17:58</p> <p>22 Q. Okay. And between when you woke up in the 23 morning on Sunday and when Heriberto left the apartment 24 at 11:00 a.m. on Sunday, did you see him use any 25 cocaine?</p>
<p>1 Sunday?</p> <p>2 A. Yes, yes, because I was upset that he had 3 ripped our pictures.</p> <p>4 Q. Okay. And what time did you leave the 5 apartment on Sunday?</p> <p>6 A. I want to say, like, by 12:00 p.m.</p> <p>7 Q. Okay. So you were with -- well then --</p> <p>8 A. No, he left the house, like, at 11:00, and I 9 packed all my stuff within that time, and I left, like, 10 at 12:00 p.m.</p> <p>11 Q. Okay. So on Sunday the 19th of July, 12 Heriberto left the apartment at about 11:00 a.m., 13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. And then over the next hour, you packed your 16 stuff, and you left at about 12:00 on Sunday, correct?</p> <p>17 A. Yes.</p> <p>18 Q. All right. And when Heriberto left the 19 apartment at 11:00 a.m. on Sunday, was that the last 20 time that you saw him alive?</p> <p>21 A. Yes. 1:16:44</p> <p>22 Q. Okay. On the morning of Sunday the 19th, 23 before Heriberto left the apartment, did you see him 24 drink any alcohol?</p> <p>25 A. On Sunday, I believe he was drinking.</p>	<p>1 A. No.</p> <p>2 Q. Okay. All right. So you said that you were 3 packing your stuff between about 11:00 a.m. and about 4 noon on Sunday the 19th, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And at some point, Heriberto, you said, came 7 -- kind of drove back to the apartment --</p> <p>8 A. Yes.</p> <p>9 Q. -- correct?</p> <p>10 A. I -- I'm not sure why, I think it was -- I 11 think he wanted to see if I was still there. I'm not 12 so sure why, but I think that's why.</p> <p>13 Q. What time did Heriberto come back to the 14 apartment?</p> <p>15 A. I can't remember the time exactly. I'm -- 16 like, I'm not good with times.</p> <p>17 Q. That's okay. Well I -- I mean, I think you 18 said you had left by noon, right?</p> <p>19 A. Yeah. 1:18:55</p> <p>20 Q. So do you think it was sometime between 11:00 21 and noon maybe?</p> <p>22 A. I believe so.</p> <p>23 Q. Okay. Once -- once you left the apartment at 24 noon, did you ever go back that day, Sunday the 19th?</p> <p>25 A. No, after I left my house, no.</p>

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<p>1 Q. Okay.</p> <p>2 A. I didn't go back.</p> <p>3 Q. Where -- when you left the apartment, where</p> <p>4 did you go?</p> <p>5 A. I went to my mom's house.</p> <p>6 Q. And where -- where was your mom's house at</p> <p>7 the time?</p> <p>8 A. She lives by 79th and Pulaski.</p> <p>9 Q. Okay. So at some point on Sunday the 19th</p> <p>10 when you were packing, Heriberto came back, and he was</p> <p>11 -- he was driving his car, correct?</p> <p>12 A. He -- he wasn't driving his car, he -- he had</p> <p>13 somebody drive his car for him.</p> <p>14 Q. Who -- whose car was he drive -- or I'm</p> <p>15 sorry, strike that. Who was driving his car?</p> <p>16 A. One of his friends, I think that Jeronimo</p> <p>17 guy.</p> <p>18 Q. Okay. 1:19:41</p> <p>19 A. I believe so.</p> <p>20 Q. What kind of car did Heriberto have?</p> <p>21 A. He had a -- I know the car, but I can't say</p> <p>22 it at the top of my head right now. He had a -- I</p> <p>23 cannot remember the name of the truck right now.</p> <p>24 Q. That's okay. Is -- fair to say it was an S</p> <p>25 -- SUV of some kind?</p>	<p>1 A. Yes. 1:20:50</p> <p>2 Q. All right. How long were Jeronimo and</p> <p>3 Heriberto outside in his car?</p> <p>4 A. I don't even think they were that long, like</p> <p>5 maybe, like, a minute.</p> <p>6 Q. Okay. Did you talk to them at all?</p> <p>7 A. No.</p> <p>8 Q. Okay. What did they do when they were there</p> <p>9 for a minute?</p> <p>10 A. I know they were sitting there drinking, but</p> <p>11 -- and then they took off.</p> <p>12 Q. Okay. You could see through the second floor</p> <p>13 window that they were drinking?</p> <p>14 A. Yes.</p> <p>15 Q. Both Jeronimo and Heriberto or just one of</p> <p>16 them?</p> <p>17 A. There -- there was actually a couple people</p> <p>18 in there, I don't remember who was all in there, but I</p> <p>19 know there was, like, two other people in there with</p> <p>20 him.</p> <p>21 Q. Okay.</p> <p>22 A. And they were all drinking in there.</p> <p>23 Q. There were -- you could see two other people</p> <p>24 drinking in the back seat?</p> <p>25 A. Yes.</p>
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<p>1 A. It was an SUV, yes.</p> <p>2 Q. Okay. Do you know what color it was?</p> <p>3 A. Red.</p> <p>4 Q. Red SUV. So when Heriberto and Jeronimo</p> <p>5 pulled up in Heriberto's car, where was Heriberto</p> <p>6 sitting, was he in the driver's, passenger's seat, or</p> <p>7 the back seat?</p> <p>8 A. Driver's passenger's seat.</p> <p>9 Q. Or sorry, I should say front passenger's</p> <p>10 seat?</p> <p>11 A. Front passenger's seat.</p> <p>12 Q. And Jeronimo's driving, right?</p> <p>13 A. Yeah.</p> <p>14 Q. Okay. What happened when they pulled up?</p> <p>15 A. They stood there for a little bit and they</p> <p>16 left.</p> <p>17 Q. Okay. Were you outside at the time?</p> <p>18 A. No.</p> <p>19 Q. You were inside?</p> <p>20 A. I was upstairs, yes.</p> <p>21 Q. Okay. Did you and Heriberto live on the</p> <p>22 second floor?</p> <p>23 A. Second floor.</p> <p>24 Q. Okay. So you could see them through the</p> <p>25 window?</p>	<p>1 Q. Okay. What were they drinking?</p> <p>2 A. They were all drinking beer, Modelos.</p> <p>3 Q. You could tell that it was Modelos?</p> <p>4 A. Yes.</p> <p>5 Q. Bottles or cans?</p> <p>6 A. Cans.</p> <p>7 Q. Okay. And you could see Heriberto drinking?</p> <p>8 A. Yes.</p> <p>9 Q. Do you have any idea -- you -- you only saw</p> <p>10 them for a minute, correct?</p> <p>11 A. Yes. 1:21:53</p> <p>12 Q. How many sips of beer did you see Heriberto</p> <p>13 take?</p> <p>14 A. I don't remember.</p> <p>15 Q. Okay. Did you see anybody throw any cans out</p> <p>16 of the car?</p> <p>17 A. No.</p> <p>18 Q. All right. All right. So you said they were</p> <p>19 there for a minute, could you hear anything anybody was</p> <p>20 saying?</p> <p>21 A. No.</p> <p>22 Q. When Heriberto and his friends were in front</p> <p>23 of the house, they -- they were on 39th, right?</p> <p>24 A. Yes.</p> <p>25 Q. 39th Place, I should say. Did you see</p>

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<p>1 what happened to Heriberto when you were at his mom's 2 house?</p> <p>3 MS. ADEEYO: Objection --</p> <p>4 A. I -- no.</p> <p>5 MS. ADEEYO: -- form.</p> <p>6 MR. DIXON: Join.</p> <p>7 Q. Okay. And then did you have any conversation 8 with his family when you were at his mom's house on the 9 20th?</p> <p>10 A. Not really.</p> <p>11 Q. Okay. And then did you leave and go to your 12 mom's house?</p> <p>13 A. No, I went to the apartment.</p> <p>14 Q. Oh, I'm sorry, okay. What time did you get 15 to the 39th Place apartment on July 20th?</p> <p>16 A. I don't recall the time. 1:27:55</p> <p>17 Q. What did you do when you got there?</p> <p>18 A. I think I went to go lay down on the bed.</p> <p>19 Q. Okay. Did you stay there at the 39th Place 20 apartment the night of Sunday the 20th?</p> <p>21 A. Yes.</p> <p>22 Q. You went to Heriberto's funeral, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And do you know when the funeral was?</p> <p>25 A. I don't recall the exact day. I can't</p>	<p>1 Q. Okay. When -- when everybody was at the 39th 2 Place apartment after the burial, fair to say people 3 were still pretty emotional?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And that's, I think, when you said 6 that you had an argument with Janet, correct?</p> <p>7 A. Yes. 1:30:03</p> <p>8 Q. And do you remember exactly what she said to 9 you?</p> <p>10 A. Not exactly word by word, no, I don't 11 remember.</p> <p>12 Q. Okay. But it was something -- accord -- your 13 testimony was that it was something that she thought it 14 -- that -- that you were at fault somehow, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. I just -- I apologize if I asked you 17 this before, on Saturday the 18th when you came home 18 from work and -- and you said that Heriberto had seemed 19 to you that he had been drinking, did you actually see 20 him drinking?</p> <p>21 MS. ADEEYO: Objection. Asked and answered.</p> <p>22 A. On Saturday when I got off work, I don't 23 remember if I -- if I seen him. I don't remember.</p> <p>24 Q. Okay. When you got off work on Saturday the 25 18th and came home, what -- why did you think that he</p>
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<p>1 remember the exact -- day.</p> <p>2 Q. That's okay. Fair to say it was a few days 3 after he passed away?</p> <p>4 A. Yes. 1:28:55</p> <p>5 Q. Okay. And then I think you testified that at 6 -- was it immediately after the funeral that both you 7 and Heriberto's family were at the 39th Place apartment 8 and they were taking some furniture away?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. So same day as the funeral, correct?</p> <p>11 A. No, no, not --</p> <p>12 Q. Oh.</p> <p>13 A. -- the same day as the funeral, it was, like, 14 the next day of the funeral, I believe.</p> <p>15 Q. Okay. Close in time to the funeral in any 16 event?</p> <p>17 A. Yes.</p> <p>18 Q. Fair to say it --</p> <p>19 A. I'm sorry, you know what, it was after they 20 -- they had buried him, I believe.</p> <p>21 Q. Okay. After the burial?</p> <p>22 A. Yeah.</p> <p>23 Q. Same day as the burial or next day?</p> <p>24 A. I -- I'm not so sure. I can't remember.</p> <p>25 MS. SHOFFNER: Sorry.</p>	<p>1 had been drinking, what made you think that? 1:31:21</p> <p>2 A. I can tell when he's drunk.</p> <p>3 Q. Okay. I mean, were there empty cans or 4 bottles around, or just kind of his behavior made you 5 think he was drunk?</p> <p>6 A. There were -- there was empty cans.</p> <p>7 Q. Of beer?</p> <p>8 A. Yes.</p> <p>9 Q. Do you remember how many?</p> <p>10 A. No.</p> <p>11 Q. Okay. What about his behavior on Saturday 12 the 18th made you think that he was drunk?</p> <p>13 A. He was, like, slurping -- slurping words, he 14 was -- I could tell he was, like, drunk because he was 15 using the bathroom a lot.</p> <p>16 Q. Okay. All right. So I'm going to kind of 17 jump back ahead now, after this -- this argument that 18 you had with Janet after the burial at 39th Place, did 19 you ever talk to her again?</p> <p>20 A. No. 1:32:21</p> <p>21 Q. Did you ever talk to any of Heriberto's 22 family members after that argument at 39th Place?</p> <p>23 A. No.</p> <p>24 Q. Okay. Have you ever -- strike that. Okay. 25 Have you ever seen any videos of Heriberto interacting</p>

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<p>1 Q. Okay. What type of dog?</p> <p>2 A. A pitbull, a blue nose.</p> <p>3 Q. You mentioned a moment ago that on July 18th,</p> <p>4 that Saturday, you and -- you went to bed that night,</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. Did Heriberto go to sleep that night?</p> <p>8 A. No.</p> <p>9 Q. When you broke up with him the next morning,</p> <p>10 July 19th, on Sunday, why were you breaking up with</p> <p>11 him?</p> <p>12 A. We had already started the argument the day</p> <p>13 before, so I woke up that morning and he had ripped up</p> <p>14 all our pictures, so that got me more mad.</p> <p>15 Q. Were you breaking -- was one of the reasons</p> <p>16 why you were breaking up with him was because of his</p> <p>17 drinking?</p> <p>18 MR. TURKCAN: Object to form. 1:52:19</p> <p>19 A. Not necessarily because he was drinking.</p> <p>20 Q. When you say, "Not necessarily," what do you</p> <p>21 mean?</p> <p>22 A. It wasn't because of that -- it wasn't</p> <p>23 because he was drinking, it was because we had already</p> <p>24 -- we were already arguing the day before.</p> <p>25 Q. Were you upset that he was drunk that night?</p>	<p>1 Q. Okay. Was this the first -- here, I'm going</p> <p>2 to turn your attention to what's been Bates stamped</p> <p>3 City 27514, you've taken a look at that?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Was this the first time I had texted</p> <p>6 you?</p> <p>7 A. Yes.</p> <p>8 Q. When you came to my office and another</p> <p>9 gentleman was present when we talked, did we discuss</p> <p>10 with you other dates for your deposition?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And at that time, did we set another</p> <p>13 date for your deposition?</p> <p>14 A. Yes, I believe it was, like, the 19th or</p> <p>15 something like that.</p> <p>16 Q. That's all --</p> <p>17 A. I think --</p> <p>18 Q. Yeah.</p> <p>19 A. -- it was.</p> <p>20 EXAMINATION</p> <p>21 BY MR. TURKCAN:</p> <p>22 Q. Just really -- really quick, and then -- and</p> <p>23 then we'll be finished, I think, Ms. Armas. You said</p> <p>24 that when you -- you went to court on April 2nd and it</p> <p>25 became apparent to you that you had missed the case</p>
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<p>1 A. I -- yeah, I was upset, yes.</p> <p>2 Q. Was this the first time that you got -- you</p> <p>3 became upset and had an argument with him while he was</p> <p>4 drinking?</p> <p>5 A. No. 1:53:00</p> <p>6 Q. How many times before have you guys had an</p> <p>7 argument while he was drinking?</p> <p>8 A. I mean people, when they are drunk, they say</p> <p>9 stuff that they don't mean sometimes, so maybe, like,</p> <p>10 two or three other times or maybe a couple times.</p> <p>11 Q. So other than him ripping up the pictures and</p> <p>12 the fact that you guys had an argument the night</p> <p>13 before, was there any other reason why you were</p> <p>14 breaking up with him?</p> <p>15 A. All I -- and also because he was accusing me</p> <p>16 of cheating on him.</p> <p>17 Q. You mentioned the last time that you saw</p> <p>18 Heriberto, he told you he loved you. Did you still</p> <p>19 love him at that time?</p> <p>20 A. Yes. 1:53:55</p> <p>21 Q. Do you still love him now?</p> <p>22 A. Yes.</p> <p>23 Q. That day when you came to my office, that was</p> <p>24 the first time we had met each other, correct?</p> <p>25 A. Yes.</p>	<p>1 being called, you called Ms. Adeeyo, correct?</p> <p>2 A. Yes. 1:55:07</p> <p>3 Q. How did you have her phone number?</p> <p>4 A. On the papers, they have the number.</p> <p>5 Q. Okay. They had sent you a letter of some</p> <p>6 kind?</p> <p>7 A. No, no, no, on the -- on these papers, I</p> <p>8 believe, it had the number at the bottom.</p> <p>9 Q. Okay. There were some court papers that you</p> <p>10 had with Ms. Adeeyo's number, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And you called her on your cell phone,</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. And that's when she said, "Please come to our</p> <p>16 office"?</p> <p>17 A. Yes.</p> <p>18 MR. TURKCAN: Understood. Nothing further.</p> <p>19 MS. SHOFFNER: Nothing --</p> <p>20 MS. ADEEYO: Okay --</p> <p>21 MS. SHOFFNER: -- thank you so much.</p> <p>22 MS. ADEEYO: Thank you so much.</p> <p>23 MR. TURKCAN: Okay.</p> <p>24 RECORDER: And signature, does anyone --</p> <p>25 MS. ADEEYO: Oh, so you have the option to</p>